

# Kansas Insect Newsletter

For Agribusinesses, Applicators, Consultants and Extension Personnel



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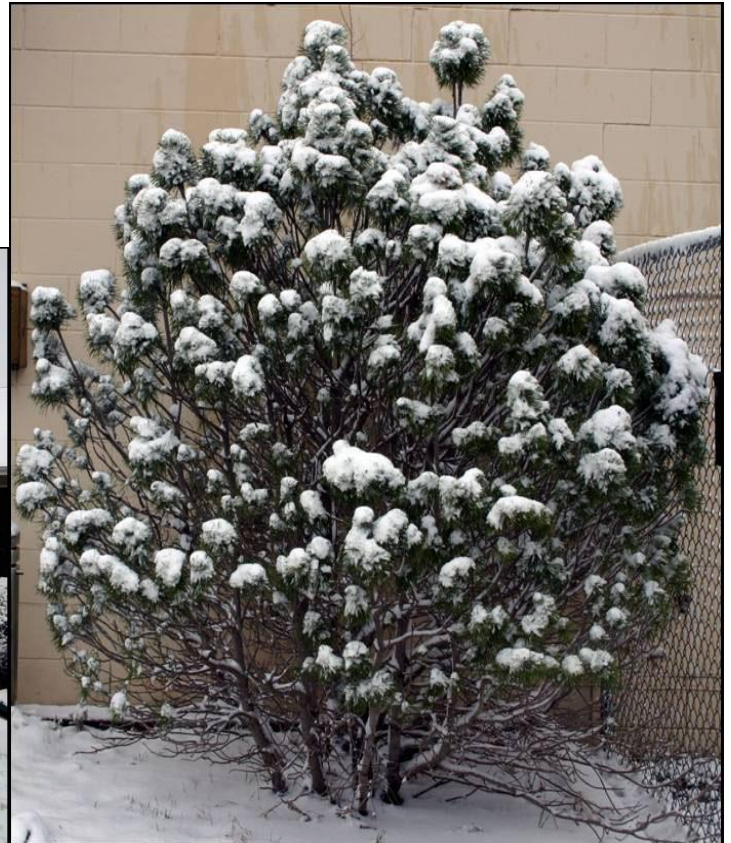
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## Snow and Cold – This IS NOT what we expect at this time of the year!

While the snow of Tuesday, and below-freezing temperatures Tuesday and Wednesday evenings had us turning up the heat in our homes, what about those insects exposed to the elements? How have they fared?



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## QUITE WELL!!!!

Eastern tent caterpillars (for the most part) gathered/snuggled in their webbed tent. Yet they were out and about foraging with the return of the sun and higher temperatures.



While European pine sawflies did not have protective webbing, they stopped foraging out on the needles, and retreated to and congregated amid the needle fascicles. In addition, they had the added insular protection of snow cover. They too seemed little disturbed by our latest bout of unseasonable Springtime weather.





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Although the larval development of both species is behind schedule, warmer weather likely will assist them in “catching up” to complete feeding cycle by mid-May. If additional time is required, however, it should not really alter their overall seasonal development patterns. As the season progresses, it will become known how this “crazy” Spring weather has actually affected the developmental “speed” of these two species.

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## THE KANSAS PESTICIDE LAW

I originally was going to entitle this inclusion, THE KANSAS PESTICIDE LAW EXPLAINED. But as with any legal document, a single page can leave one’s eyeballs spinning like a slot machine reel, let alone 42 pages!

In an agent training session earlier this month, the subject came up regarding the legality of using an insecticide against an insect species not specifically listed on a product label. The following are excerpts from the November, 2012, version of the Kansas Pesticide Law.

Kansas Statutes – Chapter 2: Agriculture; Article 24: Pest Control

Under the Kansas Statutes Annotated (section beginning Page 1) on Page 15 is found item 70.

**K.S.A. 2-2470. Allowable pesticide applications by the applicator.** Unless limited by [K.S.A. 2-2471](#), and amendments thereto, or prohibited by the pesticide product label, the applicator may:

- (1) apply a pesticide at any dosage, concentration or frequency less than that specified on the label or labeling; or
- (2) apply a pesticide against any target pest not specified on the labeling if the application is to the crop, animal or site specified on the labeling, and if the secretary has determined that the use of the pesticide against other pests would not cause an unreasonable effect on the environment.

[The aforementioned [K.S.A. 2-2471](#) is: **K.S.A. 2-2471. Rule and regulation authority to the secretary to limit pesticide use.** Notwithstanding the provisions of K.S.A. 2-2470, and amendments thereto, whenever the secretary deems it necessary to preserve the health, safety and welfare or the natural resources of the state, the secretary is hereby authorized to promulgate rules and regulations imposing limitations on the use of any pesticide.]

To further define/refine statutes, the Kansas Department of Agriculture (as the regulatory agency) implements or interprets legislation. All regulations are filed in the secretary of state's office and published in the *Kansas Administrative Regulations (K.A.R.)*.\*

The Kansas Administrative Regulations begin on Page 18 of the Kansas Pesticide Law, under **Article 13. PESTICIDES** . The K.A.R. pertinent to this topic in our Kansas Insect Newsletter appears on Page 37, and is as follows:

**K.A.R. 4-13-28. Target pests which are not specified on the pesticide's label or labeling.** Any pesticide may be applied for the purpose of controlling a pest which is not specified on the pesticide's label or labeling

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provided that: (a)(1) the pesticide's label or labeling authorizes application of the pesticide to the same crop, animal or site requiring application;

(2) the pest to be controlled belongs to the same general group of pests intended to be controlled by the pesticide to be applied;

(3) the pesticide's label or labeling does not specifically prohibit its application to the target pest to be controlled, or to the crop, animal or site to which the pesticide is to be applied; and

(4) the application of the pesticide to the target pest, or to the crop, animal or site, has not been prohibited by rules and regulations promulgated by the secretary.

(b) Each pesticide which is applied in accordance with the provisions of subsection (a) of this regulation shall be deemed not to cause any unreasonable adverse effects on the environment, nor to endanger the health, safety or welfare of the citizens of this state.

**K.A.R. 4-13-28's** (a)(1) is a restatement **KSA 2-2470's** (2) statement ---- no required interpretation. However, **K.A.R. 4-13-28's** (a)(2) had me miffed, not knowing what was meant by, "..... the same general group of pests ....." statement. As a for instance, there are two "borer pests" associated with brambles: rednecked cane borer and raspberry crown borer.



**Rednecked Cane Borer**

Photo Credit: Molly Jacobson



**Raspberry Crown Borer**

Photo Credit: Maryann Sultan

If a person has Garden Dust®, rednecked cane borer appears on the product label. Can that product also be applied against the raspberry crown borer which is does not appear on the product label?

The rednecked cane borer and raspberry crown borer are in two completely different taxonomic families ---- Coleoptera and Lepidoptera, respectively. That (to me) does not comply with the statement, "..... same general group of pests....." .

I contacted the KDA with my question/concern. Their interpretation was that the authors of the Kansas Pesticide Law, and those in the Kansas Department of Agriculture responsible for interpreting the law and preparing the Kansas Administrative Regulations did not specifically "split hairs". That is, "..... same general

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group of pests.....” is a broad umbrella under which species discrimination is not intended. So really, then, that creates a huge umbrella: INSECT.

Thus the take home message is that any insecticide can be used on any insect species as long as the product is labeled for use on a site/commodity, and that the use of the product complies with the directives for use as appear on the product label.

Of course, successful results are contingent upon the timing of insecticide applications as well as thoroughness of coverage. And if a product does not produce the desired level-of-control, the product manufacturer will rely on the fact that the pest-in-question does not appear on their product label --- that it, was the choice of the user to apply the insecticide to the unnamed pest.

*Bob Bauernfeind*

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**Sincerely,**

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